

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARCO PARAHAM

VS.

6TH DISTRICT COURT OF LAMAR
COUNTY, TEXAS, ET AL.

§
§
§
§
§
§

CIVIL ACTION NO. 4:22cv524

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #33), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 17, 2023, the Magistrate Judge entered the Report (Dkt. #33), containing proposed findings of fact and recommendations that *pro se* Plaintiff Marco Paraham’s civil rights lawsuit be dismissed under 28 U.S.C. § 1915. Specifically, the Magistrate Judge recommended: (1) any claims sounding in habeas corpus should be dismissed without prejudice to Plaintiff’s right to challenge his convictions and sentences through any lawful means, including but not limited to state or federal habeas corpus proceedings; (2) Plaintiff’s claims against Lamar County District Court should be dismissed with prejudice because it is a non-jural entity; (3) Plaintiff’s claims against District Attorney Young in his official capacity are barred by the Eleventh Amendment and should be dismissed without prejudice; (4) Plaintiff’s claims against District Attorney Young in his individual capacity should be dismissed with prejudice; and (5) the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g). Plaintiff filed objections. (Dkt. #34).

In the objections, Plaintiff continues to assert claims sounding in habeas corpus, arguing his criminal charges “never should have been enhanced.” (Dkt. #34, p. 3). As explained in the

Report, a prisoner cannot challenge the fact or duration of confinement in a 42 U.S.C. § 1983 action; he may only do so within the exclusive scope of habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973); *Clarke v. Stalder*, 154 F.3d 186, 189 (5th Cir. 1998). Indeed, Plaintiff notes he “is working on a habeas corpus for [his] relief.” (Dkt. #34, p. 1). Plaintiff’s objections to the Report are without merit.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is therefore **ORDERED** that *pro se* Plaintiff Marco Paraham’s civil rights lawsuit is **DISMISSED**, as set forth herein. Plaintiff is advised that this dismissal counts as a strike under 28 U.S.C. § 1915. It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 20th day of December, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE